

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OREGON AT

KENNETH FLEMING, JOHN DOE, R.K.
and T.D.

Plaintiff,

v.

THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole, a/k/a
"MORMON CHURCH"; LDS SOCIAL
SERVICES a/k/a LDS FAMILY SERVICES,
a Utah corporation

Defendant.

NO. 04-2338 RSM

DECLARATION OF MARCUS B.
NASH IN OPPOSITION TO
PLAINTIFFS' MOTION TO
COMPEL

1. I am Marcus B. Nash, one of the attorneys of record for defendant in the above-captioned matter, and make this declaration on personal knowledge and belief.

2. On or about November 29, 2005, the parties met and conferred per Fed.R.Civ.P. 37(a)(2)(B). As a result of that conference: (a) plaintiffs have agreed to seek no further discovery of Bishop Johansen; (b) as to the question of further discovery of Bishop Coleman, the parties have agreed that the potential witnesses' rights of privacy and plaintiffs' desire for discovery can be addressed in a matter satisfactory to all parties with a protective order/stipulation, and have agreed to the terms of such a stipulation—thereby negating any need

DEC OF MBN RE SECOND OPP TO MOTION TO
1 COMPEL -
7566-025226 61629

STAFFORD FREY COOPER

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1 for further discovery of Bishop Coleman. Attached hereto as Exhibit 1 is a true and correct copy
2 of my November 29, 2005 correspondence memorializing the content and result of said
3 discovery conference.

4 3. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of
5 Richard A. Mitchell which was filed in another case in King County Superior Court. Said
6 declaration explains the ecclesiastical structure of The Church of Jesus Christ of Latter-day
7 Saints.

8 4. Attached hereto as Exhibit 3 is a true and correct copy of the Church Handbook of
9 Instructions, Pages 22 and 93.

10 9. Attached hereto as Exhibit 4 is a true and correct copy of selected portions of the
11 transcript of the Deposition of Bishop Phillip Coleman.

12 10. Attached hereto as Exhibit 5 is a true and correct copy of selected portions of the
13 transcript of the Deposition of Bishop Randall Borland.

14 I certify under the laws of the State of Washington and of the United States that
15 the foregoing is true and correct.

16 Signed at Seattle, Washington, this 9th day of January, 2006.

17 /s/ Marcus B. Nash via ECF
18 MARCUS B. NASH, WSBA #14471

CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed DECLARATION OF
MARCUS B. NASH IN OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL using
the CM/ECF system which will send notification of such filing to the following persons:

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DATED this 9th day of January, 2006, at Seattle, Washington.

/s/ Marcus B. Nash via ECF